UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHWEGMAN, LUNDBERG & WOESSNER/EBAY
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER
TRUONG, CAM Y T

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/648,125
Filing Date: August 25, 2003
Appellant(s): GROVE ET AL.

_____
Peter R. Leal
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/16/2010 appealing from the Office action

mailed 1/4/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying

by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

1-7,9-19,21-29,31-36 and 39-45 .

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of

amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter

contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 1-4, 7, 9, 13-16, 19, 21, 23-26, 29, 31, 35, 39-41 and 44 were rejected under 35

U.S.C. § 103(a) as being unpatentable over Boyden et al. (U.S. Publication No.

2003/0036964,hereinafter; "Boyden") in view of Dicker et al. (U. S. Publication No.

2003/0105682, hereinafter;"Dicker").

Claims 5-6 and 17-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of Dicker and further in view of Grefenstette et al. (U.S. Patent No. 6,928,425, hereinafter; "Grefenstette").

Claims 10 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of Dicker and further in view of Maze et al. (U.S. Patent No. 6,216,264).

Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of Dicker and further in view of Ortega et al. (U.S. Patent No. 6,144,958, hereinafter; "Ortega").

Claims 27-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of Dicker and further in view of Grefenstette.

Claim 32 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of Dicker and further in view of Maze et al. (U.S. Patent No. 6,216,264, hereinafter; "Maze").

Claims 33-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of Dicker and further in view of Ortega.

Claim 36 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of Dicker and further in view of Bezos et al. (U.S. Patent No. 6,029,141, hereinafter; "Bezos").

Claims 42-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over

Boyden in view of Dicker and further in view of Sick et al. (U.S. Publication No.

2003/0216971, hereinafter; "Sick").

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in

the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US 20030036964	Boyden et al	07-2001
US 20030105682	Dicker et al	10-2002
US 6928425	Grefenstette	12-2001
US 6216264	Maze	7-1996
US 6144958	Ortega	7-1998
US 6928425	Grefenstette	12-2001
US 6029141	Bezos	6-1997
US 20030216971	Sick	3-2003

(9) Grounds of Rejection

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-4, 7, 9, 13-16, 19, 21, 23-26, 29, 31, 35, 39-41 and 44 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter

"Boyden") (US2003/0036964 A1) in view Dicker et al (or hereinafter "Dicker") (US

20030105682).

As to claim 1, Boyden teaches a method of generating a listing in a network-

based commerce system (generating data in fields 218-220 in a network based

commerce system, page 4, col. Right, lines 17-23; page 3, paragraph [0024], lines 4-

10), the method including:

"receiving listing identification data from a seller, the listing identification data

capable of being used to identify a good or a service" as the input section 202 can

include a search tool 204 having an input fields 205 and a button 206 to search for

vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2B shows an

example of a vehicle work sheet page 200b to modify data for a vehicle that was

already on the list 201 of the work list page 200a. The vehicle data includes 213 and

214. The above information shows that to display the vehicle data as shown in fig. 2B,

the system receives VIN from a user and retrieves the a specific vehicle based on the

inputted VIN by the user (fig. 2A, page 4, col. Left, lines 2-7; page 4, paragraph [0032],

lines 1-9, paragraph 0013);

"searching a database of reference listing data using the listing identification data to locate a plurality of similar listings posted within a network-based commerce system" as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2G shows various seller report pages 200g-200j that are generated by the server and sent to the seller system. The above information shows that system searches the list 201 as a database of reference listing data to display or locate the seller report pages on an interface for viewing. The report includes items about vehicles. The items are similar listings (figs. 2A & 2B, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9, paragraph [0036], lines 1-3);

"providing information to present the plurality of similar listings and the attribute data to the seller"as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2G shows various seller report pages 200g-200j that are generated by the server and sent to the seller system. The above information shows that system searches the list 201 as a database of reference listing data to display or locate the seller report pages on an interface for viewing. The report includes items about vehicles. The items are similar listings (figs. 2A & 2B, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9, paragraph [0036], lines 1-3);

"receiving an indication from the seller selecting a selected listing from the plurality of similar listings" as receiving a selection from the listing (figs. 2A-2B, paragraph 0032);

"generating a proposed listing to present to the seller, the proposed listing

including listing data from the selected similar listing" as displaying a page includes data

213 and 214. The page is represented as a proposed listing. The proposed listing

includes the similar listing (fig. 2B, page 4, paragraph [0032], lines 1-3, paragraph

0013);

" allowing the seller to modify the listing data of the proposed listing to create a

list" as prior to posting or sending the data entered in fields 218-220 to a database in the

auction server system, the system allows the user to edit the vehicle data of the page

200b in fig. 2B by clicking on either links such as 1. Modify vehicle configuration, 2.

Modify condition report, 3. Update mileage & pricing (figs. 2B & 2C, page 4, paragraph

[0032], lines 1-21, col. Right, lines 17-23, paragraph 0013);

resulting in the listing as after the user to edit vehicle data and click on update

icon, the system indicates Mileage & pricing of the vehicle data are updated (fig. 2C

page 4, paragraph [0033], lines 1-10);

"posting the listing in a database of the network-based commerce system" as

sending the data entered in the fields 218-220 to a data-record for the vehicle in the

auction server system. More specifically, the seller system sends the data entered in the

fields to a database in the auction server (page 4, col. Right, lines 17-23);

"wherein the listing, once posted" as the seller sends the data entered in the

fields to a data-record for the vehicle in the auction server system. Then the auction

server system provides a report 300e to a buyer system. The report 300e includes data

about the vehicle from the data-record in the auction server database (abstract, fig. 3E,

page 4, col. Right, lines 17-23; page 6, col. Left, lines 1-10);

" the proposed listing including listing data" as displaying data including the link

on page 300c (paragraph 0043);

"searching the database to locate attribute data" as searching database to locate

attribute data (paragraphs 0030, 0041);

"providing information to present the plurality of similar listing and the attribute

data to the seller" as providing a page includes data 213 and 214. The page is

represented as a proposed listing. The proposed listing does not include the similar

listing (fig. 2B, page 4, paragraph [0032], lines 1-3, paragraph 0013);

"providing information to present a preview of the proposed listing to the seller"

as resulting in the listing as after the user to edit vehicle data and click on update icon,

the system indicates Mileage & pricing of the vehicle data are updated (fig. 2C page 4,

paragraph [0033], lines 1-10);

"representing an offering of the good or service for sale" as displaying a plurality

of cars and representing an offering of car for sale (abstract).

Boyden does not explicitly teach the claimed limitation "receiving a category

selection from a seller; verifying the category supports automated generation for

proposed listings; receiving an indication from the seller selecting a selected listing from

the plurality of similar listings".

Boyden teaches as shown in fig. 2D, the tire input fields 219 can include pull-down

menus for selecting the particular manufacturer and model of each tire, along with the

condition of each tire. The damage-input fields 220 can include separate cost

estimation fields 221 and description fields 222. The seller can input the estimated

cost of the damage for each area and type of damage indicated in the input fields 221

and 222. Additionally, the description input fields 222 can further include pull-down

menus that use standardized nomenclature for identifying the particular areas on

vehicles and the particular type of damage. The condition report 200d can also include

a button 223 for adding the data in the fields 218-220 to a data-record for the vehicle in

the auction server system. More specifically, when the seller actuates the button 223,

the seller system sends the data entered in the fields 218-220 (Milleage, open price,

reserve price) database in the auction server system (paragraph 0034, lines 10-25).

Data is entered by the seller is validated in the auction server system (paragraph 0038,

lines 1-17). Figs. 2G-2J shows seller report pages 200g-200j that are generated by the

auction server system 102 and sent to the seller system 104. Fig. 2G shows a seller

report page 200g identifying vehicles awaiting further data to be input by the seller.

This embodiment of the seller report page 200g includes a list 227 of vehicles awaiting

further data, a plurality of fields 228 for adding the vehicles that have a checkmark in

the field 228.

In addition, Figs. 4-9 shows the methods for validating the data provided by the

seller and standardizing the nomenclature to ensure that the auction server system

represents the vehicles accurately during an auction (paragraph 0053, lines 3-8). In

operation, the data validation module 420 analyzes the make, model parts that are

available on the specific vehicle according to the reference data in the reference

database (paragraph 0058, lines 1-4).

The above information implies that the data the fields 218-220 to a data-record

for the vehicle in the auction server system are verified or validated for generating a list

227 of vehicles. The list 227 of vehicles is represented as proposed listing.

Boyden further teaches as shown in fig. 2D, the tire input fields 219 can include

pull-down menus for selecting the particular manufacturer and model of each tire,

along with the condition of each tire. The damage-input fields 220 can include

separate cost estimation fields 221 and description fields 222. The seller can input the

estimated cost of the damage for each area and type of damage indicated in the input

fields 221 and 222. Additionally, the description input fields 222 can further include

pull-down menus that use standardized nomenclature for identifying the particular

areas on vehicles and the particular type of damage. The condition

report 200d can also include a button 223 for adding the data in the fields 218-220 to a

data-record for the vehicle in the auction server system. More specifically, when the

seller actuates the button 223, the seller system sends the data entered in the fields

218-220 (Milleage, open price, reserve price) database in the auction server system

(paragraph 0034, lines 10-25). Data is entered by the seller is validated (paragraph

0038, lines 1-17).

The above information shows that the seller selects fields 219 for entering data.

Each fields 218-220 Milleage, open price, reserve price are presented as a category.

The system receives the seller's selection for fields 218-220.

Importantly, Dicker provides an advantage of allowing the user to select a

specific category such as 'non-fiction' from a drop-down menu 202 to request category-

specific recommendations. Designating a specific category causes items in all other

categories to be filled out (paragraph 0169). The selected category is verified to

support automated generation for recommendations lists as proposed listings (fig. 5,

paragraphs 0156, 0165-0167). Selecting similar items are from plurality of similar

listings and displayed to a user (figs. 11-12, paragraphs 0004, 0061).

[0168] The general form of such a Web page is shown in FIG. 6, which lists five

recommended items. From this page, the user can select a link associated with

one of the recommended items to view the product information page for that

item. In addition, the user can select a "more recommendations" button 200 to

view additional items from the list of M items. Further, the user can select a

"refine your recommendations" link to rate or indicate ownership of the recommended

items. Indicating ownership of an item causes the item to be added to the user's

purchase history listing. The product information page is displayed to a user for

viewing (figs. 11-12, paragraph 0201-0202, 0207).

The above information shows that the system receives an indication from a user selecting a link associated with one of the recommended items to view product information page.

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dicker's teaching of receiving a category selection from user and verifying the category supports automated generation for recommendation lists and selecting similar items and displaying product information page to a user when user selects one of items for viewing to Boyden's system in order to allow a user select a particular similar item listing so that the service can retrieve another similar item lists based on the selected similar list and further to predict the interests of users based on the user's indication so that the system provide a recommendation of similar items based on the interests of users.

As to claim 2, Boyden teaches the claimed limitation "which includes allowing the user to accept the listing, prior to posting the listing" as allowing a user to update or cancel updating the data record for the specific vehicle. The above information indicates that the system allows a user to accept the data record or deny the data record before posting the data record to the server (page 4, paragraph [0033], lines 6-10; page 4, col. Right, lines 17-23).

As to claims 3 and 25, Boyden and Bowman teach the claimed limitation subject matter in claim 1 and 23, Bowman further teaches "wherein a database of listing data is associated with at least one of movies, music, games, or books" as (col. 26, lines 20-25).

As to claims 4, and 16, Boyden teaches the claimed limitation "which includes: generating a user interface with a plurality of fields; and populating the plurality of fields with the listing data" as generating a web page with a plurality of fields 304 and populating the fields 304 with the vehicle data (fig. 3A-3B, page 5, paragraph [0041], lines 15-22).

As to claims 7, 19 and 29, Boyden teaches the claimed limitation "wherein the listing data includes at least one of a group including a title of the listing, a description of the listing, and an image related to the listing" as vehicle data includes vehicle description (fig. 3A).

As to claim 9, Boyden teaches claimed limitation "wherein the listing identification data is a Vehicle Identification Number (VIN), the method including retrieving listing data including a model year of the vehicle, a manufacturer of the vehicle, a number of doors of the vehicle, or an engine capacity of the vehicle" as a Vehicle Identification Number (fig. 2A), retrieving vehicle data includes model of year of the vehicle (fig. 3A, page 5, paragraph [0042]).

As to claim 13, Boyden teaches the same claimed limitations as discussed in claim 1, Boyden further teaches a machine-readable medium including a sequence of instructions that, when executed by a machine (the auction server system displays a seller work-list web page 200a in response to a request from a seller system. The above information indicates that the server system has included a computer readable medium, which includes instructions for responding to seller's request, page 3, paragraph [0030], lines 1-4; page 12, col. Right, lines 5-7), "cause the machine to:

"receive listing identification data from a seller requesting posting of a listing on a network-based commerce system, the listing identification data capable of being used to identify a good or service in the category" as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2B shows an example of a vehicle work sheet page 200b to modify data for a vehicle that was already on the list 201 of the work list page 200a before posting to a server. The vehicle data includes 213 and 214. The above information shows that to display the vehicle data as shown in fig. 2B, the system receives VIN from a seller and retrieves the a specific vehicle based on the inputted VIN by the user (fig. 2A, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9; page 4, col. Right, lines 17-23, paragraph 0013);

"searching a database of listing data using the listing identification data to locate a plurality of similar listings posted within a network-based commerce system" as the input section 202 can include a search tool 204 having an input fields 205 and a button

206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2G

shows various seller report pages 200g-200j that are generated by the server and sent

to the seller system. The above information shows that system searches the list 201 as

a database of reference listing data to display or locate the seller report pages on an

interface for viewing. The report includes items about vehicles. Items are similar listing

(figs. 2A & 2B, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9,

paragraph [0036], lines 1-3);

        "generate a proposed listing to present to the seller," as displaying a page

includes data 213 and 214. The page is represented as a proposed listing. The

proposed listing does not include similar listing (fig. 2B, page 4, paragraph [0032], lines

1-3, paragraph 0013);

        " the proposed listing including listing data from the selected similar listing" as

displaying data including the link on page 300c (paragraph 0043);

        "allow the seller to modify the listing data in the proposed listing to create a

listing" as prior to posting or sending the data entered in fields 218-220 to a database in

the auction server system, the system allows the user to edit the vehicle data of the

page 200b in fig. 2B by clicking on either links such as 1. Modify vehicle configuration,

2. Modify condition report, 3. Update mileage & pricing (figs. 2B & 2C, page 4,

paragraph [0032], lines 1-21, col. Right, lines 17-23);

        resulting in the listing as after the user to edit vehicle data and click on update

icon, the system indicates Mileage & pricing of the vehicle data are updated (fig. 2c,

page 4, paragraph [0033], lines 1-10);

"post the listing in a database of the network-based commerce system" sending the data entered in the fields 218-220 to a data-record for the vehicle in the auction server system. More specifically, the seller system sends the data entered in the fields to a database in the auction server (page 4, col. Right, lines 17-23);

"the listing, once posted" as the seller sends the data entered in the fields to a data-record for the vehicle in the auction server system. Then the auction server system provides a report 300e to a buyer system. The report 300e include data about the vehicle from the data-record in the auction server database (fig. 3E, page 4, col. Right, lines 17-23; page 6, col. Left, lines 1-10; paragraph 0013);

"representing an offering of a good or service for sale" as (abstract, figs. 3A-3E).

Boyden does not explicitly teach the claimed limitation "receiving a category selection from a seller; verifying the category supports automated generation for proposed listings; receive an indication from the seller to select a selected listing from the plurality of similar listings".

Boyden teaches selecting the link for the 1999 saab 9-5SE shown in the list 305, the buyer system send a request to the auction server system to display the detail page 300c (paragraph 0013).

Dicker teaches the user select a specific category such as 'non-fiction' from a drop-down menu 202 to request category-specific recommendations. Designating a specific category causes items in all other categories to be filled out (paragraph 0169). The selected category is verified to support automated generation for recommendations lists as proposed listings (fig. 5, paragraphs 0156, 0165-0167). Selecting similar items

are from plurality of similar listings and displayed to a user (figs. 11-12, paragraphs 0004, 0061).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dicker's teaching of receiving a category selection from user and verifying the category supports automated generation for recommendation lists and selecting similar items and displaying similar items to Boyden's system in order to allow a user select a particular similar item listing so that the service can retrieve another similar item lists based on the selected similar list and further to predict the interests of users based on the user's indication so that the system provide a recommendation of similar items based on the interests of users.

As to claim 14, Boyden teaches the claimed limitation " wherein the user is allowed to accept the listing, prior to posting the listing" as allowing a user to update or cancel updating the data record for the specific vehicle or canceling the data update (page 4, paragraph [0033], lines 6-10).

As to claim 15, Boyden teaches the claimed limitation "wherein the network-based commerce system includes a database of listing data associated with at least one of a group including movies, music, games, books and motor vehicles" as a database of listing data associated with motor vehicle (figs. 2A & 2E, page 4, col. right, lines 17-23).

As to claims 21 and 31, Boyden teaches claimed limitation "wherein the listing identification data is a Vehicle Identification Number (VIN) of a vehicle, the listing data includes a model year of the vehicle, a manufacturer of the vehicle, a number of doors of the vehicle, or an engine capacity of the vehicle" as a Vehicle Identification Number (fig. 2A), retrieving vehicle data includes model of year of the vehicle (fig. 3A, page 5, paragraph [0042]).

As to claim 23 is rejected under the same reason as discussed in claim 1, in addition, Boyden further teaches a network-based commerce system, which includes at least one server (an electronic auction server system is linked to sellers and buyer systems, page 3, paragraph [0024], lines 8-9):

"receive listing identification data from a seller requesting posting of a listing on a network-based commerce system, the listing identification data capable of being used to identify a good or service" as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2B shows an example of a vehicle work sheet page 200b to modify data for a vehicle that was already on the list 201 of the work list page 200a before posting to a server. The vehicle data includes 213 and 214. The above information shows that to display the vehicle data as shown in fig. 2B, the system receives VIN from a user and retrieves the a specific vehicle based on the inputted VIN by the user (fig. 2A, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9; page 4, col. Right, lines 17-23, paragraph 0013);

"searching a database of listing data using the listing identification data to locate

a plurality of similar listings posted within a network-based commerce system" as the

input section 202 can include a search tool 204 having an input fields 205 and a button

206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2G

shows various seller report pages 200g-200j that are generated by the server and sent

to the seller system. The above information shows that system searches the list 201 as

a database of reference listing data to display or locate the seller report pages on an

interface for viewing. The report includes items about vehicles. The items are not

similar listing (figs. 2A & 2B, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines

1-9, paragraph [0036], lines 1-3);

"receive an indication from the seller to indicate a selection of a selected listing

from the plurality of similar listings" as by selecting the link for the 1999 saab 9-5SE

shown in the list 305, the buyer system send a request to the auction server system to

display the detail page 300c (paragraph 0013);

"generate a proposed listing to present to the seller, the proposed listing

including listing data from the selected similar listing" as (fig. 2B, page 4, paragraph

[0032], lines 1-3, paragraph 0013). Figs. 3C-3E shows web pages that are generated by

the auction server system for display at a buyer system to review and bid on a specific

vehicle selected by the buyer. Figs. 3C and 3D shows a detail page 300c containing

information regarding a specific vehicle that the buyer received by selecting the specific

vehicle from the list 305 on the search results page 300b (fig. 3b). For example, by

selecting the link for the 1999 Saab 9-5SSE shown in the list 305, the buyer system

sends a request to the auction server system to display the detail page 300c shown in

Fig. 3C regarding the Saab 9—SE. The detail page 300c can include a picture 306 of

the specific vehicle with links 307 to see additional pictures, a text section 308

containing data from a validated data-recorded from the specific vehicle, a bid section

309, and a buy section 312, and VIN: YSeEF48ZXX3048203 (paragraph 0043).

The above information shows that the auction server system generates the detail

page 300c to display to the buyer, the page 300c including VIN: YSeEF48ZXX3048203

as listing data from the selected 1999 Saab 9-5SSE. The selected the 1999 Saab 9-

5SSE is represented as the selected similar listing. In this case, the buyer is

represented as a seller.

"allow the seller to modify the listing data in the proposed listing to create a

listing" as prior to posting or sending the data entered in fields 218-220 to a database in

the auction server system, the system allows the user to edit the vehicle data of the

page 200b in fig. 2B by clicking on either links such as 1. Modify vehicle configuration,

2. Modify condition report, 3. Update mileage & pricing (figs. 2B & 2C, page 4,

paragraph [0032], lines 1-21, col. Right, lines 17-23);

resulting in the listing as after the user to edit vehicle data and click on update

icon, the system indicates Mileage & pricing of the vehicle data are updated (fig 2C,

page 4, paragraph [0033], lines 1-10);

"post the listing in a database of the network-based commerce system" as

sending the data entered in the fields 218-220 to a data-record for the vehicle in the

auction server system. More specifically, the seller system sends the data entered in the

fields to a database in the auction server (page 4, col. Right, lines 17-23);

"the listing, once posted" as the seller sends the data entered in the fields to a

data-record for the vehicle in the auction server system. Then the auction server

system provides a report 300e to a buyer system. The report 300e includes data about

the vehicle from the data-record in the auction server database (abstract, fig 3E, page 4,

col. Right, lines 17-23; page 6, col. Left, lines 1-10);

" the proposed listing including listing data" as displaying data including the link

on page 300c (paragraph 0043);

"representing sales offering of a good or service" as representing sales offering

of a good or service (abstract, figs. 3A-3E).

Boyden does not explicitly teach the claimed limitation "receive an indication from

the seller to indicate a selection of a selected listing from the plurality of similar listings".

Boyden teaches Figs. 3C-3E shows web pages that are generated by the

auction server system for display at a buyer system to review and bid on a specific

vehicle selected by the buyer. Figs. 3C and 3D shows a detail page 300c containing

information regarding a specific vehicle that the buyer received by selecting the specific

vehicle from the list 305 on the search results page 300b (fig. 3b).

The above information shows that the auction server system received an

indication from the buyer selecting a vehicle from the list 305; thus the server system

displays the list 305 of vehicles such as #1: 19999Saab 9-5 SE; #2 1999 Saab 9-5 SE

(these vehicles have different VIN; but they have similar year 1999; fig. 3B) are

represented as similar listings.

In addition, Dicker provides an advantage of allowing the user to select a specific

category such as 'non-fiction' from a drop-down menu 202 to request category-specific

recommendations. Designating a specific category causes items in all other categories

to be filled out (paragraph 0169). The selected category is verified to support

automated generation for recommendations lists as proposed listings (fig. 5, paragraphs

0156, 0165-0167). Selecting similar items are from plurality of similar listings and

displayed to a user (figs. 11-12, paragraphs 0004, 0061).

[0168] The general form of such a Web page is shown in FIG. 6, which lists five

recommended items. From this page, the user can select a link associated with

one of the recommended items to view the product information page for that

item. In addition, the user can select a "more recommendations" button 200 to

view additional items from the list of M items. Further, the user can select a

"refine your recommendations" link to rate or indicate ownership of the recommended

items. Indicating ownership of an item causes the item to be added to the user's

purchase history listing. The product information page is displayed to a user for

viewing (figs. 11-12, paragraph 0201-0202, 0207).

The above information shows that the system receives an indication from a user

selecting a link associated with one of the recommended items to view product

information page.

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dicker's teaching of receiving a category selection from user and verifying the category supports automated generation for recommendation lists and selecting similar items and displaying similar items to Boyden's system in order to allow a user select a particular similar item listing so that the service can retrieve another similar item lists based on the selected similar list and further to predict the interests of users based on the user's indication so that the system provide a recommendation of similar items based on the interests of users.

As to claim 24, Boyden teaches the claimed limitation "which allows the user to accept the listing prior to posting the listing" as allowing a user to update or cancel updating the data record for the specific vehicle. The above information indicates that the system allow a user to accept the data record or deny the data record before posting the data record to the server (page 4, paragraph [0033], lines 6-10; page 4, col. Right, lines 17-23).

As to claim 26, Boyden teaches the claimed limitation "the server generates a user interface with a plurality of fields; and populating the fields with the listing data" as generating a web page with a plurality of fields 304 and populating the fields 304 with the vehicle data (fig. 3A-3B, page 5, paragraph [0041], lines 1-10).

As to claim 35, Boyden teaches the claimed limitation "the offering includes an auction listing" as showing pricing or sale listing for vehicles (fig. 3B).

As to claims 39-40, Boyden teaches the claimed limitation "wherein the database of listing data includes motor vehicle data" (figs. 2A & 2E, page 4, col. right, lines 17-23).

As to claim 41, Boyden teaches the claimed limitation "wherein the database of listing data includes motor vehicle data" (figs. 2A & 2E, page 4, col. right, lines 17-23).

As to claim 44, Boyden and Dicker teaches the claimed limitation subject matter in claim 1, Dicker further teaches the claimed limitation "receiving a second category selection from the seller" as (fig. 6).

As to claim 45, Boyden teaches the claimed limitation "populating a template with data from the selected listing and the attribute data; and providing information to present the template to the seller" as (paragraph 0028-0029).

5.   Claims 5-6, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter "Boyden") (US 2003/0036964 A1) in view of Dicker et

al (or hereinafter "Dicker") (US 20030105682) and further in view of Grefenstette et al

(or hereinafter "Grefenstette") (US 6928425).

As to claim 5, Boyden does not explicitly disclose the claimed limitation, "which

includes providing a plurality of check boxes each of which is associated with an

attribute of the listing and automatically without human intervention checking attributes

based on the listing data". Grefenstette FIG. 8 illustrates a client interface 800 for

invoking a print command at the computer 226. In addition to well known print property

settings, the client interface offers enrichment property buttons 802. The enrichment

property buttons 802 enable a user to manually select a personality to apply to

a given print request at 804 or have the meta-document server select a

personality automatically for the user at 806. In addition, the enrichment

property buttons 802 allow a user to apply the enrichment to selected pages or

content at 808. Also, the enrichment property buttons 802 allow a user to

specify whether the enrichment is inserted in the print request in the form of

links or as additional content at 810 (col. 17, lines 40-55).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Grefenstette's teaching of the richment

property buttons 802 enable a user to manually select a personality to apply to

a given print request at 804 or have the meta-document server select a personality

automatically for the user at 806 to Boyden's system in order to save time for a user to

fill out detail information about a item during searching/retrieving the item in a large

database on a network system.

As to claim 6, Boyden does not explicitly teach the claimed limitation "which includes allowing the user to modify checks in the check boxes". Grefenstette teaches a user can modify a check box that associated with an attribute (fig. 8, col. 17, lines 42-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Grefenstette's teaching of a user can modify a check box that associated with a attribute Boyden's system in order to allow a user to view a specific feature of a item as user's desire.

As to claim 17, Boyden does not explicitly teach the claimed limitation "wherein a plurality of check boxes are provided, each check box being associated with an attribute of the listing and selectively being automatically checked based on the listing data without human intervention".

Grefenstette FIG. 8 illustrates a client interface 800 for invoking a print command at the computer 226. In addition to well known print property settings, the client interface offers enrichment property buttons 802. The enrichment property buttons 802 enable a user to manually select a personality to apply to a given print request at 804 or have the meta-document server select a personality automatically for the user at 806. In addition, the enrichment property buttons 802 allow a user to apply the enrichment to selected pages or content at 808. Also, the enrichment property buttons 802 allow a user to

specify whether the enrichment is inserted in the print request in the form of

links or as additional content at 810.

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Grefenstette's teaching of the richment

property buttons 802 enable a user to manually select a personality to apply to

a given print request at 804 or have the meta-document server select a personality

automatically for the user at 806 to Boyden's system in order to save time for a user to

fill out detail information about a item during searching/retrieving the item in a large

database on a network system.

As to claim 18, Boyden does not explicitly teach the claimed limitation "wherein

the user is allowed to modify checks in the check boxes".

Grefenstette teaches a user can modify a check box that associated with an

attribute (fig. 8, col. 17, lines 42-55).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Grefenstette's teaching of a user can modify a check

box that associated with a attribute Boyden's system in order to allow a user to view a

specific feature of a item as user's desire.

6.   Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Boyden et al (or hereinafter "Boyden") (US2003/0036964 A1) in view of Dicker et

al (or hereinafter "Dicker") (US 20030105682) and further in view of Maze et al (or

hereinafter "Maze") (US 6216264).

As to claim 10, Boyden does not teach the claimed limitation "wherein the listing

identification data is at least one of a movie title or UPC code, the method including

retrieving listing data in the form of details on the movie". Maze teaches movie title and

retrieving details of the movie on an form 320 as shown in fig. 3 (col. 3, lines 10-20; col.

2, lines 53-54).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Maze's teaching of movie title and retrieving details of

the movie on a form 320 to Boyden's system in order to allow a user to save time

searching/retrieving a particular music and further to prevent producing query results

that contain relatively large number of irrelevant movies.

As to claim 22, Boyden does not teach the claimed limitation "wherein the listing

identification data is one of a movie title or UPC code, and the listing data includes

details on the movie". Maze teaches movie title and retrieving details of the movie on

an form 320 as shown in fig. 3 (col. 3, lines 10-20; col. 2, lines 53-54).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Maze's teaching of movie title and retrieving details of

the movie on a form 320 to Boyden's system in order to allow a user to save time

searching/retrieving a particular music and further to prevent producing query results

that contain relatively large number of irrelevant movie.

7.   Claims 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Boyden et al (or hereinafter "Boyden") (US2003/0036964 A1) in view of Dicker and

further in view of Ortega et al (or hereinafter "Ortega") (US 6144958).

As to claim 11, Boyden does not explicitly teach the claimed limitation "wherein

the listing identification data is at least one of a book title or a UPC code, the method

including retrieving listing data in the form of details on the book". Ortega teaches allow

a user to search book item based on book titles. Fig. 2 illustrates the general format of

a search book page that can be used to search the bibliographic database for book

titles. The page includes author, title and subject files. The search book page is

represented as a form of details on the book (col. 3, lines 53-61; col. 4, lines 1-5).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Ortega's teaching of allow a user to search item based

book title and to access a search book page to search for author, title and label fields to

Boyden's system to allow a user to save time searching/retrieving a particular book and

further to prevent to produce query results that contain relatively large number of

irrelevant books.

As to claim 12, Boyden does not explicitly teach the claimed limitation "wherein

the listing identification data is at least one of a music title or UPC code, the method

including retrieving the listing data in the form of details on the music item". Ortega

teaches allowing a user to search music based on music title. Also, a user can access

a music search page to search for music title using the artist, title and label fields. The

search music page is represented as the form of details on the music (col. 3, lines 53-

61; col. 4, lines 1-10).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Ortega's teaching of allow a user to search item based

music titles and to access a search music page to search for music title using the artist,

title and label fields to Boyden's system to allow a user to save time searching/retrieving

a particular music and further to prevent to produce query results that contain relatively

large number of irrelevant music.

8.   Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Boyden et al (or hereinafter "Boyden") (US 2003/0036964 A1) in view of Dicker et al (or

hereinafter "Dicker") (US 20030105682) and further in view of Grefenstette et al (or

hereinafter "Grefenstette") (US 6928425).

As to claim 27, Boyden does not explicitly disclose the claimed limitation, "which

provides a plurality of check boxes each of which are associated with an attribute of the

listing and automatically without human intervention checking attributes based on the

listing data".

Grefenstette FIG. 8 illustrates a client interface 800 for invoking a print command at the computer 226. In addition to well known print property settings, the client interface offers enrichment property buttons 802. The enrichment property buttons 802 enable a user to manually select a personality to apply to a given print request at 804 or have the meta-document server select a personality automatically for the user at 806. In addition, the enrichment property buttons 802 allow a user to apply the enrichment to selected pages or content at 808. Also, the enrichment property buttons 802 allow a user to specify whether the enrichment is inserted in the print request in the form of links or as additional content at 810.

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Grefenstette's teaching of the richment property buttons 802 enable a user to manually select a personality to apply to a given print request at 804 or have the meta-document server select a personality automatically for the user at 806 to Boyden's system in order to save time for a user to fill out detail information about a item during searching/retrieving the item in a large database on a network system.

As to claim 28, Boyden does not explicitly teach the claimed limitation "which allows the user to modify checks in the check boxes".

Grefenstette teaches a user can modify a check box that associated with an attribute (fig. 8, col. 17, lines 42-55).

It would have been obvious to a person of an ordinary skill in the art at the time
the invention was made to apply Grefenstette's teaching of a user can modify a check
box that associated with a attribute Boyden's system in order to allow a user to view a
specific feature of a item as user's desire.

9.   Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden
et al (or hereinafter "Boyden") (US2003/0036964 A1) in view of Dicker and further in
view of Maze et al (or hereinafter "Maze") (US 6216264).

As to claim 32, Boyden does not teach the claimed limitation "wherein the listing
identification data is one of a movie title and UPC code, the system retrieves the listing
data in the form of details on the movie". Maze teaches movie title and retrieving details
of the movie on an form 320 as shown in fig. 3 (col. 3, lines 10-20; col. 2, lines 53-54).

It would have been obvious to a person of an ordinary skill in the art at the time
the invention was made to apply Maze's teaching of movie title and retrieving details of
the movie on a form 320 to Boyden's system in order to allow a user to save time
searching/retrieving a particular music and further to prevent producing query results
that contain relatively large number of irrelevant movies.

10.   Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Boyden et al (or hereinafter "Boyden") (US2003/0036964 A1) in view of Dicker
and further in view of Ortega et al (or hereinafter "Ortega") (US 6144958).

As to claim 33, Boyden does not explicitly teach the claimed limitation "wherein the listing identification data is one of a book title or UPC code, the system retrieves the listing data in the form of details on the book". Ortega teaches allow a user to search book item based on book titles. Fig. 2 illustrates the general format of a search book page that can be used to search the bibliographic database for book titles. The page includes author, title and subject files. The search book page is represented as a form of details on the book (col. 3, lines 53-61; col. 4, lines 1-5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ortega's teaching of allow a user to search item based book title and to access a search book page to search for author, title and label fields to Boyden's system to allow a user to save time searching/retrieving a particular book and further to prevent to produce query results that contain relatively large number of irrelevant books.

As to claim 34, Boyden does not explicitly teach the claimed limitation "wherein the listing identification data is one of a music title or UPC code, the system retrieves the listing data in the form of details on the music". Ortega teaches allowing a user to search music based on music title. Also, a user can access a music search page to search for music title using the artist, title and label fields. The search music page is represented as the form of details on the music (col. 3, lines 53-61; col. 4, lines 1-10).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ortega's teaching of allow a user to search item based music titles and to access a search music page to search for music title using the artist, title and label fields to Boyden's system to allow a user to save time searching/retrieving a particular music and further to prevent to produce query results that contain relatively large number of irrelevant music.

11.   Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter "Boyden") (US2003/0036964 A1) in view of Dicker and further in view of Bezos et al (or hereinafter "Bezos") (US 6029141).

As to claim 36, Boyden does not explicitly disclose the claimed limitation "the offering includes a fixed-price offering". Bezos teaches a fixed-price offering for good is provided to a user (fig. 10b).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bezos' s teaching of teaches a fixed-price offering for good is provided to a user to Boyden's system in order to provide an electronic commerce solution by which preventing a user to negotiate price for a product for increasing sale products quickly.

12.   Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter "Boyden") (US2003/0036964 A1) in view Dicker et al

(or hereinafter "Dicker") (US 20030105682) and further in view of Sick et al (or

hereinafter "Sick") (US 20030216971).

        As to claim 42, Boyden does not explicitly teach "receiving a modification for the

listing from the seller when there are no bids for the auction listing; and modifying the

auction listing; and reposting the auction listing in the database".

Sick teaches before the auction is submitted, users must agree to a binding

contractual agreement with the lower bidder. Users have the opportunity to

edit and/or delete auction information if there have been no bids posted on

their auction (paragraph 0406). The auction listing is the auction listing (figs. 27A-27C).

        It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Sick's teaching of Sick teaches before the auction is

submitted, users must agree to a binding contractual agreement with the lower bidder.

Users have the opportunity to edit and/or delete auction information if there have been

no bids posted on their auction and the auction listing is the auction listing to Boyden's

system in order to provide an automated or semi-automated method of collecting,

analyzing, grouping, reorganizing, optimizing, and procuring energy usage data for

optimizing energy use and acquisition costing to facilitate a low bid energy auction

(Sick, paragraph 0037).

        As to claim 43, Boyden does not explicitly teach the claimed limitation

the method further comprising: receiving a modification for the listing from the seller

before a close of the auction listing; and supplementing the auction listing; and

reposting the auction listing in the database".

Sick teaches before the auction is submitted, users must agree to a binding

contractual agreement with the lower bidder. Users have the opportunity to

edit and/or delete auction information if there have been no bids posted on

their auction (paragraph 0406). The auction listing is the auction listing (figs. 27A-27C).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Sick's teaching of Sick teaches before the auction is

submitted, users must agree to a binding contractual agreement with the lower bidder.

Users have the opportunity to edit and/or delete auction information if there have been

no bids posted on their auction and the auction listing is the auction listing to Boyden's

system in order to provide an automated or semi-automated method of collecting,

analyzing, grouping, reorganizing, optimizing, and procuring energy usage data for

optimizing energy use and acquisition costing to facilitate a low bid energy auction

(Sick, paragraph 0037).

(10) Response to Argument

a. Appellant argued that the rejections do not make out a prima facie case

of obviousness Boyden in view of Dicker because Boyden and Dicker do not

teach the claimed limitations "receiving a category selection from a seller ".

Examiner respectfully disagrees.

        Boyden teaches as shown in fig. 2D, the tire input fields 219 can include pull-down menus for selecting the particular manufacturer and model of each tire, along with the condition of each tire. The damage-input fields 220 can include separate cost estimation fields 221 and description fields 222. The seller can input the estimated cost of the damage for each area and type of damage indicated in the input fields 221 and 222. Additionally, the description input fields 222 can further include pull-down menus that use standardized nomenclature for identifying the particular areas on vehicles and the particular type of damage. The condition report 200d can also include a button 223 for adding the data in the fields 218-220 to a data-record for the vehicle in the auction server system. More specifically, when the seller actuates the button 223, the seller system sends the data entered in the fields 218-220 (Milleage, open price, reserve price) database in the auction server system (paragraph 0034, lines 10-25). Data is entered by the seller is validated (paragraph 0038, lines 1-17).

        The above information shows that the seller selects fields 219 for entering data. Each fields 218-220 Milleage, open price, reserve price are presented as a category. The system receives the seller's selection for fields 218-220.

        b.   Appellant argued that the rejections do not make out a prima facie case of obviousness Boyden in view of Dicker because Boyden and Dicker do not teach the claimed limitations " verifying the category supports automated generation for proposed listings ".

Examiner respectfully disagree. Boyden teaches as shown in fig. 2D, the tire

input fields 219 can include pull-down menus for selecting the particular manufacturer

and model of each tire, along with the condition of each tire. The damage-input fields

220 can include separate cost estimation fields 221 and description fields 222. The

seller can input the estimated cost of the damage for each area and type of damage

indicated in the input fields 221 and 222. Additionally, the description input fields 222

can further include pull-down menus that use standardized nomenclature for identifying

the particular areas on vehicles and the particular type of damage. The condition

report 200d can also include a button 223 for adding the data in the fields 218-220 to a

data-record for the vehicle in the auction server system. More specifically, when the

seller actuates the button 223, the seller system sends the data entered in the fields

218-220 (Milleage, open price, reserve price) database in the auction server system

(paragraph 0034, lines 10-25). Data is entered by the seller is validated in the auction

server system (paragraph 0038, lines 1-17). Figs. 2G-2J shows seller report pages

200g-200j that are generated by the auction server system 102 and sent to the seller

system 104. Fig. 2G shows a seller report page 200g identifying vehicles awaiting

further data to be input by the seller. This embodiment of the seller report page 200g

includes a list 227 of vehicles awaiting further data, a plurality of fields 228 for adding

the vehicles that have a checkmark in the field 228.

In addition, Figs. 4-9 shows the methods for validating the data provided by the

seller and standardizing the nomenclature to ensure that the auction server system

represents the vehicles accurately during an auction (paragraph 0053, lines 3-8). In

operation, the data validation module 420 analyzes the make, model parts that are

available on the specific vehicle according to the reference data in the reference

database (paragraph 0058, lines 1-4).

The above information implies that the data the fields 218-220 to a data-record

for the vehicle in the auction server system are verified or validated for generating a list

227 of vehicles. The list 227 of vehicles is represented as proposed listing.

c.   Appellant argued that the rejections do not make out a prima facie

case of obviousness Boyden in view of Dicker because Boyden and Dicker do not

teach the claimed limitations "receiving an indication from the seller selecting a

selected listing from the plurality of similar listings".

Examiner respectfully disagrees. Boyden teaches Figs. 3C-3E shows web

pages that are generated by the auction server system for display at a buyer system to

review and bid on a specific vehicle selected by the buyer. Figs. 3C and 3D shows a

detail page 300c containing information regarding a specific vehicle that the buyer

received by selecting the specific vehicle from the list 305 on the search results page

300b (fig. 3b).

The above information shows that the auction server system received an

indication from the buyer selecting a vehicle from the list 305; thus the server system

displays the list 305 of vehicles such as #1: 19999Saab 9-5 SE; #2 1999 Saab 9-5 SE

(these vehicles have different VIN; but they have similar year 1999; fig. 3B) are

represented as similar listings.

In addition, Dicker provides an advantage of allowing the user to select a specific category such as 'non-fiction' from a drop-down menu 202 to request category-specific recommendations. Designating a specific category causes items in all other categories to be filled out (paragraph 0169). The selected category is verified to support automated generation for recommendations lists as proposed listings (fig. 5, paragraphs 0156, 0165-0167). Selecting similar items are from plurality of similar listings and displayed to a user (figs. 11-12, paragraphs 0004, 0061).

[0168] The general form of such a Web page is shown in FIG. 6, which lists five recommended items. From this page, the user can select a link associated with one of the recommended items to view the product information page for that item. In addition, the user can select a "more recommendations" button 200 to view additional items from the list of M items. Further, the user can select a "refine your recommendations" link to rate or indicate ownership of the recommended items. Indicating ownership of an item causes the item to be added to the user's purchase history listing. The product information page is displayed to a user for viewing (figs. 11-12, paragraph 0201-0202, 0207).

The above information shows that the system receives an indication from a user selecting a link associated with one of the recommended items to view product information page.

As discussed above the combination of Boyden and Dicker teaches "receiving an indication from the seller selecting a selected listing from the plurality of similar listings".

d.   Appellant argued that the rejections do not make out a prima facie case of obviousness Boyden in view of Dicker because Boyden and Dicker do not teach the claimed limitations " generating a proposed listing to present to the seller, the proposed listing including listing data from the selected similar listing".

Boyden teaches Figs. 3C-3E shows web pages that are generated by the auction server system for display at a buyer system to review and bid on a specific vehicle selected by the buyer. Figs. 3C and 3D shows a detail page 300c containing information regarding a specific vehicle that the buyer received by selecting the specific vehicle from the list 305 on the search results page 300b (fig. 3b). For example, by selecting the link for the 1999 Saab 9-5SSE shown in the list 305, the buyer system sends a request to the auction server system to display the detail page 300c shown in Fig. 3C regarding the Saab 9—SE. The detail page 300c can include a picture 306 of the specific vehicle with links 307 to see additional pictures, a text section 308 containing data from a validated data-recorded from the specific vehicle, a bid section 309, and a buy section 312, and VIN: YSeEF48ZXX3048203 (paragraph 0043).

The above information shows that the auction server system generates the detail page 300c to display to the buyer, the page 300c including VIN: YSeEF48ZXX3048203 as listing data from the selected 1999 Saab 9-5SSE. The selected the 1999 Saab 9-5SSE is represented as the selected similar listing. In this case, the buyer is represented as a seller.

e. Appellant argued that the rejection does not meet the articulated reasoning requirements of KSR and of the MPEP. Even if Dicker and Boyden, when combined, did teach all elements of the claims, a skilled artisan would still not be motivated to combine the teaching of Boyden with the teaching of Dicker.

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dicker's teaching of receiving a category selection from user and verifying the category supports automated generation for recommendation lists and selecting similar items and displaying product information page to a user when user selects one of items for viewing to Boyden's system in order to allow a user select a particular similar item listing so that the service can retrieve another similar item lists based on the selected similar list and further to predict the interests of users based on the user's indication so that the system provide a recommendation of similar items based on the interests of users.

f. Appellant argued that with regard to claim 23, Appellant believe it is not obvious to combine the teachings of Boyden with the teachings of Dicker for reasons:

The rejections do not make out a prima facie case of obviousness Boyden in view of Dicker for teaching of " generating a proposed listing to present to the seller, the proposed listing including listing data from the selected similar listing".

Examiner respectfully disagrees. Boyden teaches Figs. 3C-3E shows web pages that are generated by the auction server system for display at a buyer system to review and bid on a specific vehicle selected by the buyer. Figs. 3C and 3D shows a detail page 300c containing information regarding a specific vehicle that the buyer received by selecting the specific vehicle from the list 305 on the search results page 300b (fig. 3b). For example, by selecting the link for the 1999 Saab 9-5SSE shown in the list 305, the buyer system sends a request to the auction server system to display the detail page 300c shown in Fig. 3C regarding the Saab 9—SE. The detail page 300c can include a picture 306 of the specific vehicle with links 307 to see additional pictures, a text section 308 containing data from a validated data-recorded from the specific vehicle, a bid section 309, and a buy section 312, and VIN: YSeEF48ZXX3048203 (paragraph 0043).

The above information shows that the auction server system generates the detail page 300c to display to the buyer, the page 300c including VIN: YSeEF48ZXX3048203 as listing data from the selected 1999 Saab 9-5SSE. The selected the 1999 Saab 9-

5SSE is represented as the selected similar listing. In this case, the buyer is

represented as a seller.

g. The rejections do not make out a prima facie case of obviousness

Boyden in view of Dicker.

In response to Appellant's argument, the examiner respectfully submits that to

establish a prima facie case of obviousness under 35 USC 103, references must

provide motivation or suggestion either in the references themselves, or in the

knowledge generally available to one of ordinary skill in the art; must be analogous; and

must teach all the claimed limitations.

In this case, the instant application is concerned to a method for searching a

database of listing data.

Boyden provides method for searching vehicles in a database of a server

(paragraph 0030).

Similarly, Dicker provides a method for searching items in a database

 (paragraph 0063).

Importantly, Dicker provides an advantage of allowing the user to select a

specific category such as 'non-fiction' from a drop-down menu 202 to request category-

specific recommendations. Designating a specific category causes items in all other

categories to be filled out (paragraph 0169). The selected category is verified to

support automated generation for recommendations lists as proposed listings (fig. 5,

paragraphs 0156, 0165-0167). Selecting similar items are from plurality of similar

listings and displayed to a user (figs. 11-12, paragraphs 0004, 0061).

[0168] The general form of such a Web page is shown in FIG. 6, which lists five

recommended items. From this page, the user can select a link associated with

one of the recommended items to view the product information page for that

item. In addition, the user can select a "more recommendations" button 200 to

view additional items from the list of M items. Further, the user can select a

"refine your recommendations" link to rate or indicate ownership of the recommended

items. Indicating ownership of an item causes the item to be added to the user's

purchase history listing. The product information page is displayed to a user for

viewing (figs. 11-12, paragraph 0201-0202, 0207).

The above information shows that the system receives an indication from a user

selecting a link associated with one of the recommended items to view product

information page.

As discussed above, a person of an ordinary skill in the art at the time the

invention was made would recognize the advantage of Dicker's teaching of receiving a

category selection from user and verifying the category supports automated generation

for recommendation lists and selecting similar items and displaying product information

page to a user when user selects one of items for viewing to Boyden's system in order

to allow a user select a particular similar item listing so that the service can retrieve

another similar item lists based on the selected similar list and further to predict the

interests of users based on the user's indication so that the system provide a

recommendation of similar items based on the interests of users.

Therefore, the 103 rejection for claims are proper and make the record clear.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Cam Y Truong/

Primary Examiner, Art Unit 2169

Conferees:

/Tony Mahmoudi/

Supervisory Patent Examiner, Art Unit 2169

/James Trujillo/

Supervisory Patent Examiner, Art Unit 2159